# IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

ROBERT R. TOLAN, MARIAN TOLAN,	§	
BOBBY TOLAN, AND	§	
ANTHONY COOPER,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO. 4:09-1324
	§	
JEFFREY WAYNE COTTON;	§	
JOHN C. EDWARDS;	§	
RANDALL C. MACK, CHIEF OF POLICE;	§	
BYRON HOLLOWAY, ASSISTANT	§	
CHIEF OF POLICE; CYNTHIA SIEGEL,	§	
MAYOR; BERNARD SATTERWHITE,	§	
CITY MANAGER; THE CITY OF	§	
BELLAIRE; AND THE BELLAIRE	§	
POLICE DEPARTMENT,	§	
	§	
Defendants.	§	JURY TRIAL DEMANDED

## PARTIES' AGREED STIPULATION OF DISMISSAL OF ALL CLAIMS

All Plaintiffs and all Defendants come now jointly, pursuant to agreement of the Parties and Rule 41 of the Federal Rule of Civil Procedure, and file their agreed stipulation of dismissal of all claims brought in this lawsuit.

### **CERTIFICATE OF CONFERENCE**

1. The Parties' counsels have conferred on this matter and all Parties stipulate to this dismissal, with prejudice.

### **GROUNDS FOR RELIEF**

- 2. No Plaintiff seeks to pursue any claim against any Defendant. Accordingly, Plaintiffs move to dismiss with prejudice all claims asserted in this suit. Defendants agree to this dismissal.
- 3. This case is not a class action and a receiver has not been required nor appointed.

- 4. Plaintiffs have not dismissed an action based on or including the same claim or claims against the Defendants as those presented in this suit.
- 5. This dismissal is agreed to be with prejudice.

### **PRAYER**

FOR THE FOREGOING REASONS, the Parties pray that this Court dismiss Plaintiffs claims asserted against Defendants with prejudice with Court costs and attorneys' fees after remand from the Court of Appeals taxed against the party incurring same.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT

#### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been forwarded to the following counsel of record in accordance with the District's ECF service rules on this 20<sup>th</sup> day of October, 2015 to:

William S. Helfand Norman Ray Giles 1200 Smith Street, Suite 1400 Houston, Texas 77002

/s/ Daryl K. Washington\_\_\_\_